



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

## BOARD OF DIRECTORS' REGULAR MEETING

May 17, 2000

A meeting of the Bay Area Air Quality Management District Board of Directors will be held at 9:30 a.m. in the 7<sup>th</sup> floor Board room at the Air District headquarters, 939 Ellis Street, San Francisco, California.

### Questions About an Agenda Item

The name and telephone number of the appropriate staff person to call for additional information or to resolve concerns is listed for each agenda item.

### Meeting Procedures

The public meeting of the Air District Board of Directors begins at 9:30 a.m. The Board of Directors generally will consider items in the order listed on the agenda. However, any item may be considered in any order.

After action on any agenda item not requiring a public hearing, the Board may reconsider or amend the item at any time during the meeting.

# BOARD OF DIRECTORS' REGULAR MEETING

## A G E N D A

WEDNESDAY

May 17, 2000

9:30 A.M.

BOARD ROOM

7TH FLOOR

### CALL TO ORDER

Open Comments

Roll Call

Pledge of Allegiance

Michael Nevin, Chair

Clerk of the Boards

### PUBLIC COMMENT PERIOD

**Public Comment on Non-Agenda Items, Pursuant to Government Code Section 54954.3** *Members of the public are afforded the opportunity to speak on any agenda item. All agendas for regular meetings are posted at District headquarters, 939 Ellis Street, San Francisco, CA, at least 72 hours in advance of a regular meeting. At the beginning of the regular meeting agenda, an opportunity is also provided for the public to speak on any subject within the Board's subject matter jurisdiction. Speakers will be limited to five (5) minutes each.*

### CONSENT CALENDAR (ITEMS 1 - 8 )

Staff/Phone (415) 749-

1. Minutes of May 3, 2000 C. Bradley/4961
2. Communications E. Garvey/4970  
*Correspondence addressed to the Board of Directors*
3. Report of the Advisory Council S. Hayes/4961
4. Monthly Activity Report P. Hess/4971  
Report of Division activities for the month of April, 2000
5. Quarterly Report of the Clerk of the Boards E. Garvey/4970
6. Report of District Personnel on Out of State Business Travel W. Tanaka/5066
7. Contract Extensions for Senior Visual Basic Programmers on the Database Conversion ProjectE. Garvey/4970  
*Staff requests the Board of Directors authorize the Executive Officer/APCO extend the existing contracts of three Senior Visual Basic Programmers through August 31, 2000.*
8. Set Public Hearing for June 7, 2000 on proposed amendments to District Regulation 3, Fees, and set a second public hearing for July 19, 2000 pursuant to California Health and Safety Code Section 41512.5 on Fee Schedules L: Asbestos Operations Fees, Schedule Q: Aeration of Contaminated Soil and Removal of Underground Storage Tanks and approve a Notice of Exemption from the California Environmental Quality Act (CEQA). B. deBoisblanc/4704

*The proposed amendments increase Hearing Board fees related to activities to partly recover costs. Hearing Board fees (Schedule A) for large companies will increase from at least \$70 up to \$540. For small businesses, variances exceeding 90 days will increase to \$150 per application, but most other fees for small businesses will be reduced from \$60 to \$50. A new Excess Emission Fee will add \$1.00 per pound of air contaminants, \$5.00 per*

*pound of specified toxic air contaminants and \$1.12 per percentage point of opacity over the applicable standard for the period of variance. The proposed amendments will add a 4% cost of living increase and implement cost recovery for fees for Permitted Sources, increasing fees by the following amounts: Schedule B, minimum fees - 15%, other fees - 7%; Schedule C, minimum fees - 15%, other fees - 5%; Schedule D - 15%; Schedule E - 15%; Schedule F, permit and initial fees - 15%; Schedule G1 - 15%; Schedule G2 - 15%; Schedule G3 - 5%; Schedule G4 - 5%; Schedule H - 15%; Schedule I - 15%; Schedule K - 15%; Schedule M - 15%; Schedule P - 15%. In addition, PM10 will be added to the pollutants subject to Major Source Stationary Fees and the threshold for applicability for these fees will be reduced from 100 tons per year to 50 tons per year. The proposed amendments also increase filing fees for New and Modified Sources and Emissions Banking fees by 15%. For non-permitted sources, the proposed amendments add a cost of living increase of 4% to Schedules L and Q.*

## **COMMITTEE REPORTS AND RECOMMENDATIONS**

9. Report of the Legislative Committee Meeting of May 3, 2000

**CHAIR: H. BROWN**

**E. Garvey/4970**

*Action: Adopt the attached positions as recommended by the Committee.*

10. Report of the Public Outreach Committee Meeting of May 4, 2000

**CHAIR: J. MILLER**

**E. Garvey/4970**

## **PUBLIC HEARING**

11. Public Hearing on proposed amendments to Regulation 1: General Provisions; Regulation 2: Permits, Rule 1: General Requirements, Rule 2: New Source Review, Rule 4: Emissions Banking; and to the District Manual of Procedures, Volume II, Part 2: Permits, General; and approve a Notice of Exemption from the California Environmental Quality Act (CEQA).

**B. deBoisblanc/4704**

*The proposed amendments address deficiencies identified by the US EPA in the District's permit rules for major new and modified sources so that the permit rules can receive full approval under Clean Air Act. In addition, the proposed amendments will: 1) lower the permit exemption level for internal combustion engines from less than 250 hp rating to less than 50 hp rating; 2) delete the exclusion found in Regulation 1 for emergency standby generators; and 3) create a permitting exemption for standby internal combustion engines and gas turbines used less than 200 hours per year. Also, the proposed amendments will implement federal Clean Air Act requirements related to new sources of hazardous air pollutants and analysis of alternatives for major modifications.*

12. Public Hearing on proposed amendments to District Regulation 11, Rule 9: Ethylene Oxide Sterilizers, and approve a Notice of Exemption from the California Environmental Quality Act (CEQA).

**B. deBoisblanc/4704**

*The proposed amendments will delete Regulation 11, Rule 9 in its entirety and adopt, by reference, the California Air Resources Board Airborne Toxics Control Measure (ATCM) for Emissions of Ethylene Oxide Sterilizers and Aerators. The ATCM was amended on May 21, 1998 to consolidate federal and state monitoring and recordkeeping requirements so as to apply to the US EPA for a determination of equivalency with the National Emission*

*Standards for Hazardous Air Pollutants for Ethylene Oxide Commercial Sterilization and Fumigation Operations. The deletion of the District rule, adoption of the ATCM and the expected equivalency determination will subject facilities to one set of standards for monitoring and recordkeeping requirements rather than three.*

13. Public Hearing on proposed amendments to District Regulation 9, Rule 11: Nitrogen Oxides and Carbon Monoxide from Utility Electric Power Generating Boilers and adopt a Negative Declaration pursuant to the California Environmental Quality Act (CEQA).

**B. deBoisblanc/4704**

*The proposed amendments ensure that existing regulatory requirements continue to apply to all electric power generating steam boilers in the District, regardless of California Public Utility Commission regulatory status or facility ownership. The proposed amendments: 1) clarify the definition of “electric utility power generating system” to recognize industry divestiture and allow emission averaging for multiple facilities under common ownership; 2) streamline the definitions of “electric system emergency” and “force majeure natural gas curtailment”; and 3) prevent “backsliding” to less stringent emission limits due to industry restructuring.*

#### **CLOSED SESSION**

14. Conference with Labor Negotiator – Gene Bell  
(Government Code § 54957.6 (a))

*Agency Negotiator: Rich Sanchez, Human Resources Officer  
Peter Hess, Deputy APCO  
Gary Kendall, Director of Technical Services*

*Employee Organization: Bay Area Air Quality Management District Employees'  
Association, Inc.*

#### **OTHER BUSINESS**

15. Report of the Air Pollution Control Officer
16. Chairperson’s Report

#### **OPEN SESSION**

17. Board Members’ Comments  
*Any member of the Board, or its staff, on his or her own initiative or in response to questions posed by the public, may; ask a question for clarification, make a brief announcement or report on his or her own activities, provide a reference to staff regarding factual information, request staff to report back at a subsequent meeting concerning any matter or take action to direct staff to place a matter of business on a future agenda. (Gov’t Code § 54954.2)*
18. Place of Next Meeting - 9:30 a.m., Wednesday, June 7, 2000 939 Ellis Street, San Francisco, California 94109
19. Adjournment

